

UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

NEW YORK

U.S. DISTRICT COURT

N.D. OF N.Y.

FILED

UNITED STATES OF AMERICA

v.

MAHMOOD HAMDARD**CRIMINAL COMPLAINT**

LAWRENCE K. BAERMAN, CLERK

CASE NUMBER: 08-283 (RFT)

JUN 30 2008

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or between March and April 2006 in Schenectady/Albany county, in the Northern District of New York, and elsewhere, defendant(s) did, (Track Statutory Language of Offense)

use, and attempt to use, a facility or means of interstate or foreign commerce to knowingly and willfully attempt to persuade, induce, entice, or coerce an individual who has not attained the age of 18 years to engage in a sexual act for which he may be criminally prosecuted

in violation of Title 18 United States Code, Section(s) 2422(b)

I further state that I am a(n) Det./Sgt with Colonie Police Department and an FBI task force officer and that this complaint is based on the following facts: Official Title

1. On or about April 21, 2006, members of the Town of Colonie Police Department interviewed Jane Doe, a 15 year old girl. She also provided them a sworn statement which I have reviewed. During the interview, Doe informed them of the following:

a. Sometime in March of 2006, she met an individual using the screen name "brownhawk3" in an America Online (AOL) chatroom. At the time, Doe lived in Latham, New York;

b. After meeting "brownhawk3" online, the two thereafter engaged in numerous online and telephone conversations;

c. During one of their initial conversations, she informed "brownhawk3" that she was a minor.

d. The two thereafter engaged in online and telephonic conversations of a sexual nature. During these conversations, the two discussed meeting to engage in sexual conduct;

e. Sometime in April of 2006, "brownhawk3" and Jane Doe met in person near the Latham Circle Mall, in Latham, N.Y. and "Brownhawk3" then drove Jane Doe to a parking area behind the Colonie Youth Center.

f. While in a car behind said Youth Center, "brownhawk3" asked Jane Doe to perform oral sex on him and she did. After he ejaculated, he wiped his penis with Jane Doe's jacket.

g. Pursuant to an administrative subpoena, AOL supplied records indicating that "brownhawk3" was subscribed to by an individual residing at D7 Yates Village, Schenectady, N.Y. I thereafter interviewed Mahmood Hamdard who was present at said address. During this interview, Hamdard admitted using the screen name "brownhawk3" to chat with others and meet women. He also admitted that he recalled speaking with an individual using Jane Doe's screen name.

h. Jane Doe's jacket was thereafter submitted for laboratory analysis and DNA (sperm) was recovered. Subsequently, Hamdard provided a sample of his DNA which was compared to the DNA recovered from Doe's jacket. The two samples matched.

2. Hamdard was born in 1977.

3. The use of America Online to communicate involves electronic transmissions that travel from the point of destination to the State of Virginia.

4. New York State Penal Law, Section 130.40 (2) defines the crime of Criminal Sexual Act in the Third Degree as follows: "A person is guilty of criminal sexual act in the third degree when ...2. Being twenty-one years old or more, he or she engages in oral sexual conduct with a person less than seventeen years old."

Continued on the attached and made a part hereof. Yes x No

Signature of Complainant

Kenneth M. Fuchs, Colonie PD
FBI Task Force member

Sworn to before me, and subscribed in my presence,
June 30, 2008

Date

at

Albany, New York

City and State

Mag. Judge Randolph F. Treece
Name and Title of Judicial Officer

Signature of Judicial Officer